

ENTERED

August 24, 2022

Nathan Ochsner, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION*IN RE*: INTERCONTINENTAL
TERMINALS COMPANY, LLC,
DEER PARK FIRE LITIGATION§
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Lead Case No. 4:19-cv-1460

ORDER ADOPTING REPORT AND RECOMMENDATION

This matter was referred to United States Magistrate Judge Dena Palermo to conduct all pretrial proceedings pursuant to 28 U.S.C. § 636. ECF No. 112. Pending before Judge Palermo was Defendant Intercontinental Terminals Company LLC's ("ITC") motion for partial summary judgment regarding claims under the Oil Pollution Act ("OPA"), ECF. 395. On July 2, 2021, Judge Palermo filed a Report and Recommendation ("R&R"), recommending that Defendant's motion be granted, that summary judgment be granted as to all claims under the OPA, and that certain cases be dismissed. ECF No. 890. OPA Plaintiffs filed objections to the R&R, asking the Court to deny ITC's motion. ECF Nos. 909, 910, 911, 912, 913, 914, 915, 927, 928, 929. Defendant ITC and Non-OPA Plaintiffs filed responses to OPA Plaintiffs' objections, urging the Court to adopt the R&R. ECF No. 930, 931. OPA Plaintiff Petredec Trading (U.S.), Inc. ("Petredec") filed an opposed motion for leave to file a reply in support of OPA Plaintiffs' objections, ECF No. 943, and Defendant ITC filed a response in opposition to Petredec's motion. ECF No. 970.

Since Plaintiffs filed objections, the Court conducted a *de novo* review. The Court finds that the R&R is well founded and that it should be adopted. Accordingly, it is ORDERED that:

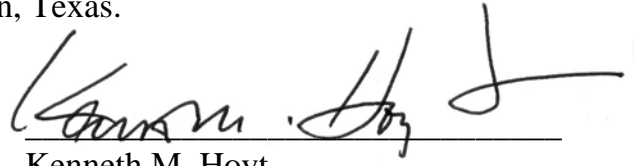
1. OPA Plaintiffs' objections to the R&R are OVERRULED.
2. Petredec's motion for leave to file a reply in support of OPA Plaintiffs' objections, ECF No. 943, is DENIED.
3. The R&R is ADOPTED in its entirety as the holding of the Court.
4. Defendant ITC's motion for summary judgment, ECF No. 395, is GRANTED;
5. All claims under the OPA are summarily DISMISSED in the following cases:
 - a. *GTM International LLC v. Intercontinental Terminals Company LLC, et al.*, Case Number 4:19-cv-1460;
 - b. *Charlotte Owners Inc. v. Intercontinental Terminals Company LLC, et al.*, Case Number 4:19-cv-1460;
 - c. *Waterways Tankers Inc. v. Intercontinental Terminals Company LLC, et al.*, Case Number 4:19-cv-1460;
 - d. *Petrochem Transport, Inc. v. Intercontinental Terminals Company LLC, et al.*, Case Number 4:20-cv-36;
 - e. *United Seafood, et al. v. Intercontinental Terminals Company LLC, et al.*, Case Number 4:20-cv-1714;
 - f. *Hyundai Marine Fire Insurance v. Intercontinental Terminals Company LLC*, Case Number 4:21-cv-497;
 - g. *AET Inc. Ltd. v. Intercontinental Terminals Company, LLC*, Case Number 4:21-cv-825;
 - h. *Clean Harbors Deer Park, LLC v. Intercontinental Terminals Company, LLC*, Case Number 4:21-cv-1105;
 - i. *O'Rourke Marine Services, LLC v. Intercontinental Terminals Company LLC*, Case Number 4:21-cv-1200;
 - j. *SASOL Chemicals North America LLC, et al. v. Intercontinental Terminals Company LLC, et al.*, Case Number 4:21-cv-1251; and

k. *INEOS USA LLC v. Intercontinental Terminals Company LLC, et al., Case Number 4:21-cv-1254.*

6. The following cases are DISMISSED WITH PREJUDICE:

- a. *Texas Aromatics LP v. Intercontinental Terminals Company LLC, Case Number 4:20-cv-1387;*
- b. *Rio Energy International, Inc. v. Intercontinental Terminals Company LLC, Case Number 4:20-cv-1843;*
- c. *Gunvor USA LLC v. Intercontinental Terminals Company LLC, Case Number 4:20-cv-1867;*
- d. *Castleton Commodities Merchant Trading L.P. and Castleton Commodities Merchant Asia Co. PTE. Ltd. v. Intercontinental Terminals Company LLC, Case Number 4:20-cv-1930; and*
- e. *Petreddec Trading (U.S.), Inc. v. Intercontinental Terminals Company LLC, Case Number 4:21-cv-846.*

SIGNED on August 24, 2022, at Houston, Texas.



Kenneth M. Hoyt
United States District Judge